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12, 17, 56 N. E. 502, 504. But an exception has been made when the repetition is privileged. *Derry v. Handley*, 16 L. T. (N. S.) 263. In the principal case the court makes another exception on the ground that the words are here actionable *per se*. The jury, which can assess general damages, will, as a matter of fact, doubtless take these repetitions into consideration. But by authority, any instruction to that effect is error. *Hastings v. Stetson*, 126 Mass. 329; *Prime v. Eastwood*, 45 Ia. 640. See NEWELL, SLANDER AND LIBEL, 3 ed., § 1079. Now the established general rule rests on an obsolescent principle of causation. See 27 HARV. L. REV. 389. But the fact that the law considers the slander actionable *per se* can certainly not effect such causation. It is therefore difficult to justify this distinction. The decision, however, is desirable in placing a further limitation upon a rule which is without basis of reason. For it is highly foreseeable that slanderous remarks will be repeated, and it is just this repetition which is responsible for the main injury in defamation. See *Davis v. Starrett*, 97 Me. 568, 576, 55 Atl. 516, 519.

**LIBEL AND SLANDER — PUBLICATION — BY OFFICER OF CORPORATION TO AGENT.** — A letter, defamatory of plaintiff, was dictated by an officer of a corporation to his stenographer and sent to a fellow-employee. Each was acting in the prosecution of the business of the corporation. Held, that this did not constitute a publication of a libel. *Central of Georgia Ry. Co. v. Jones*, 89 S. E. 429 (Ga.).

It has been held that dictation to a stenographer by an officer of a corporation is not a publication. *Owen v. Ogilvie Pub. Co.*, 32 App. Div. 465, 53 N. Y. Supp. 1033. See 12 HARV. L. REV. 355. The principal case applies the same principle to communications between any fellow-employees. These cases argue that, as a corporation is an entity, acting only through agents, a communication by one agent to another is merely a communication by the corporation to itself; that the agents are merely parts of the deliberative machinery of the corporation, as distinguished from their identity as individuals. But such a distinction seems neither desirable nor true to fact. See 27 HARV. L. REV. 284. It seems impossible, as a matter of practice, to dissociate the individual from the employee. Agents do form personal opinions and act upon them. The danger to the community of licensing such communications, which in the case of a large concern might well become widespread, seems to outweigh the consideration that the corporation would otherwise be seriously hampered in the transaction of its business. If the communications are necessary and reasonable, as in the principal case, the defense of privilege is available. *Lawless v. Anglo-Egyptian Cotton & Oil Co.*, L. R. 4 Q. B. 262; *Edmondson v. Birch & Co.*, [1907] 1 K. B. 371, 380.

**MUNICIPAL CORPORATIONS — ABUTTING OWNERS — EASEMENTS.** — Adjoining the plaintiff's property the city erected a public bathhouse with projections upon the sidewalk which violated the city charter and a city ordinance. The plaintiff applies for a mandatory injunction requiring the city to remove the encroachments. Held, that the injunction be granted. *Hellinger v. City of New York*, 95 Misc. 394.

It is generally held that an abutter has a property right in the air, light, and access afforded by the street, which cannot be taken without compensation. *Story v. N. Y. etc. R. Co.*, 90 N. Y. 122; *Abendroth v. Manhattan Ry. Co.*, 122 N. Y. 1, 25 N. E. 496; *De Geofroy v. Merchants, etc. Ry. Co.*, 179 Mo. 698, 79 S. W. 386. See 1 LEWIS, EMINENT DOMAIN, 3 ed., § 123. Encroachments on the sidewalk which materially touch this right will be enjoined, and an ordinance permitting such cannot be supported. *McMillan v. Klaw & Erlanger Const. Co.*, 107 App. Div. 407, 95 N. Y. Supp. 365. In most cases the offenders have been private individuals. It seems however not improper to